

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

STEFFON GREENE,

Plaintiff,

v.

**Civil Action No.
9:05-CV-00327 (TJM/DEP)**

KEVIN WALSH, et al.,

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred by this Court to the Hon. David E. Peebles, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule N.D.N.Y. 72.3(c). The Report and Recommendation dated June 24, 2008 recommended that the pending motion for summary judgment be granted and the action be dismissed. No objections to the Report and Recommendation have been filed and Plaintiff's time to do so has expired. Furthermore, after examining the record, this Court has determined that the Report and Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, the Court adopts the Report and Recommendation for the reasons stated therein.

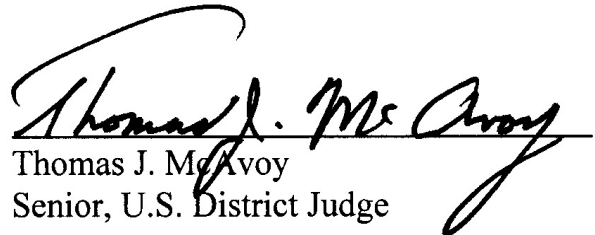
It is therefore,

ORDERED that Defendant's motion (Dkt. No. 44) is **GRANTED** and Plaintiff's

claims against defendant Kevin Walsh are **DISMISSED, with prejudice**, and Plaintiff's claims against Corrections Sergeant LeBoeuf and Dr. Mark Johnstone are **DISMISSED, without prejudice**. The Clerk of the Court is instructed to mark this case closed.

IT IS SO ORDERED.

DATED: September 29, 2008


Thomas J. McAvoy
Senior, U.S. District Judge